

ADMINISTRATION TEAM MINUTES

Date: May 19, 2006
Time: 9:00 am
Place: Tacoma AGC Building

<u>Attending</u>	Mark Borton	<u>✓</u>	David Mariman	<u>✓</u>	Mark Rohde	<u>✓</u>
	Jerry Brais	<u>✓</u>	Craig McDaniel	<u>✓</u>	Glenn Schneider	<u>✓</u>
	Forrest Dill	<u>✓</u>	Tina Nelson	<u>✓</u>	Mark Scoccolo	<u> </u>
	Paul Gonseth	<u>✓</u>	Cathy Nicholas	<u>✓</u>	Joe Spink	<u>✓</u>
	Tim Hayner	<u> </u>	Ken Olson	<u> </u>	Dave Standahl	<u>✓</u>
	David Jones	<u>✓</u>	Roger Palfenier	<u> </u>	Greg Waugh	<u>✓</u>

Jennifer Brown attended and participated in the Apprenticeship discussion.

Old Business – Apprenticeship

Since the last meeting, WSDOT met with General Administration and the Apprenticeship Council. The Apprenticeship provisions used by King County were evaluated. WSDOT is required by RCW to submit apprenticeship utilization data to GA, and GA reports that information to the Legislature. Draft WSDOT specs (attached) were distributed to the team for information and comment. Feedback included: why is journeyman included on the form? Why list names? What information do contractors already collect?

The implementing committee is really in two parts; an informal technical element that produces the specifications and construction manual language, and the formal Advisory Committee chaired by Doug MacDonald that reports to the Legislature. The membership of the Advisory Committee is still being formed, but it will include representation from AGC and from the Apprenticeship Council.

The Apprenticeship requirements are above and beyond the Federal EEO Training requirements. They are legislatively mandated and intended to provide training. Further discussion of the reporting form included a report that King County's form is good, and Jerry Brais promised to provide a copy for information.

The availability of qualified apprentices is a concern. The City of Tacoma provisions sets a goal with a monetary penalty for failing to achieve the goal. There is also an ability to carry forward over-attainment from the good projects to the bad projects.

FHWA has expressed concerns that the Apprenticeship council has not been approving non-union training programs, thereby excluding non-union contractors from competing. A copy of WAC 296-05-309 was distributed. According to the WAC, the WSATC has the ability to approve non-union programs.

The question was asked: the law has established the requirements, but what executive action is in place to see that people enter the trades? Answer: that is what the Advisory Committee is doing. A comment was made that the Legislature mandates societal programs but does not support them.

As far as reporting goes, certified payrolls do provide some of the required information, but they are only required on federally funded contracts. CMATS has the capability of tracking this information with the paper form serving as a backup to the electronic submittal. The CMATS system will be tested during tracking of minority business goal achievement.

Tacoma has encountered challenges estimating the number of hours per contract because of changes that add and delete work. To set the number of hours in the goal, there has to be an estimate of how many total hours will be worked on the contract. Provisions that specify the number of hours worked on a project can lead to safety concerns. Regulations limit the number of apprentices per journeyman to 3:1, but some may be motivated to exceed this in order to achieve the goals.

California has provisions that require a minimum number of apprentices per project, instead of a number of apprentice hours per project. When some crafts do not participate in achieving the goal hours, the onus is on the prime contractor to fill the gap. This would not be the case with a craft only goal. A specified body count was viewed as better than a specified number of hours because it fosters apprenticeship in all the crafts.

Can the unions provide enough apprentices to meet the goals? Preliminary conversations with unions indicate no problems. However, King County has had apprenticeship requirements for years and has not had very good attainment. King County measures apprenticeship utilization in their overall construction program, not just road work. Their overall goal is 15 percent, but specific project goals vary depending on the type of work and the individual crafts involved. The goal for an asphalt overlay would be 5 percent, for example. The law requires a minimum number of hours per project. Can the Committee recommend a program wide goal?

The simple fact is that there is a lack of people entering the trades, and the belief is that a law that attempts to force this will not be effective. The AGC has been visiting schools in an attempt to get new blood into the trades. One drawback is that state law prohibits minors on the work site. Contractors will find a way to get the people they need. Some utility contractors are using a "vertical recruitment" with the military.

What are the penalties for noncompliance? The repercussions are non-monetary. The draft spec points at the Prime Contractor Performance Report, which could affect prequalification. Tacoma's provisions include liquidated damages. The WSDOT provision recognizes good faith efforts. The question was asked, what constitutes a substantive violation?

Old Business - Section 1-08.5 Critical Materials

The revised draft provision for procurement suspension was distributed for review, along with a short review of the changes that were incorporated at the suggestion of the team. Again, the provision is intended for materials that are identified as critical during the design phase. Existing contract language allows a suspension of work or extension of time for conditions beyond the contractors' control.

The only significant difference since the last meeting was that the provision was relocated to supplement section 1-08.6 Suspension of Work, rather than section 1-08.5 Time for Completion. Language was added to preclude additional suspensions for HMA mix designs that did not verify, in keeping with the existing GSP that allows unworkable days for mix design verification.

The benefit of the provision is that it levels the playing field because everybody bids the same contract. It was voted approved by the team.

Old Business – Time for Completion

Consistent with the discussion of the last meeting, new Construction Manual language (attached) is being implemented that defines a working day as a 24 hour period. The manual also prescribes that only one working day will be charged per 24-hour period, regardless of the number of shifts worked.

A draft amendment to section 1-08.5 (attached) would allow a day that the contract specifically prohibits critical work to be defined as nonworking. This generated a lively discussion about defining alternate shifts, night work getting rained out, lane restrictions on Friday, and constructive acceleration caused by lack of receiving working days statements. Ultimately, the draft provision was rejected – not because it was a bad idea, but because it was more appropriate as a special provision or GSP that is included under specific circumstances instead of an amendment to the standard specs. The team recommended that the provision be incorporated into the provision that restricts the work, along with a definition of a working day and an express statement of how time will be charged. This will be reworked and brought to the next meeting for further discussion.

Old Business – Force Account Equipment Rental Agreement

The subcommittee met and agreed to a number of revisions to the Equipment Rental Agreement. The Region adjustment factor will be removed and the Blue Book Adjustment Factor will be used. Volume 3 will be incorporated into the agreement. Payment for equipment older than that listed in the book will be made using the oldest rate available.

The payment for fixed attachments that are not used in the work is an unresolved issue. WSDOT has been unable to justify paying for unused attachments to FHWA, and fed approval is required to receive fed dollars. There are two schools of thought on this issue. One is that rented equipment paid by invoice would include payment for the unused attachments, and that the unused attachments are part of the contractors' costs and should therefore be reimbursed. The other is that the unused attachments are not part of the costs associated with the work if they are not used for the work.

The subcommittee did adopt a recommendation to establish an "Equipment List" much like the Labor List specified for force account labor rates. The list would describe all of the information needed to develop the Blue Book Rate and would serve to expedite payment. The team concluded that this sounds like a good suggestion regardless of the outcome of the fixed attachment issue.

The existing Supplemental Agreement (for fuel costs) was written to supplement the Rental Rate Agreement "dated June 1, 2004" and would therefore be nullified if the base agreement were superseded by a newer version. The Supplement was written to expire on July 15, so one strategy for maintaining the Supplement is to date the new Agreement for after the expiration date.

The team concluded that an August 1 effective date was good, and that the agreement should be modified and distributed for comment right away.

Future Meetings

Friday, June 16

The agenda for the next meeting will include: continued discussion of Time for Completion and critical work restrictions, and GSP equipment/surveying.

The meeting adjourned at 12:00 noon.

Subject Area	Sponsor
Section 1-08.5 (sub) Critical Materials Spec	Completed
Section 1-08.6 Suspension of Work	Dave Jones
Section 1-08.7 Maintenance During Suspension	Joe Spink
Review, Summarize Region Specials	Craig McDaniel

Team's "Round Tuit" List (cont)

Administration Team

Minutes

Page5

1. Tort Claims Liability/Accident Reports
2. Bid Item for On-site Overhead
3. Standing Disputes Review Boards
4. Joint Training—Documentation
5. Payroll, Wage Administration procedures
6. Materials on Hand provisions
7. Web-Based Construction Management